

**CHAPTER NO. 793**

**HOUSE BILL NO. 2916**

**By Representative Hargrove**

**Substituted for: Senate Bill No. 2284**

**By Senator Rochelle**

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, relative to public records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 10-7-404, is amended by adding the following as a new subsection:

(d)(1) In addition to the foregoing procedure for the destruction of original public records, the county public records commission may, upon the request of any office or department head of county government having custody of public records, including court records, authorize the destruction or transfer of original public records which have been reproduced onto computer or removable computer storage media, including CD ROM disks, in accordance with the provisions of Section 10-7-121 and this subsection. The Secretary of State, as supervisor of the State Library and Archives, shall promulgate regulations regarding the approved technology, standards and procedures for reproducing public records under this subsection which shall be followed by county officers, department heads and the county public records commission. Additionally, the county public records commission shall not order the destruction of such original public records which have been reproduced pursuant to this subsection unless the county public records commission has complied with the provisions of Sections 10-7-413 and 10-7-414. Prior to any order of destruction or transfer of any original public records pursuant to this subsection, the officer or department head having custody of such records shall advertise in a newspaper of general circulation in the county, and in counties having a population in excess of two hundred thousand (200,000) according to the 1990 Federal Census or any subsequent Federal Census, also in a weekly newspaper, that certain records of the office or department, to be described in the advertisement by title and year, have been electronically stored, reproduced and protected and that the office or department has applied for permission to no longer retain such originals. The authority to destroy original public records granted by this subsection is not exclusive and shall not prevent the destruction of original public records where otherwise authorized.

(2) If the county public records commission fails to act upon a request of a county officer or department head having custody of public records to order the destruction or transfer of original public records after the same have been reproduced in accordance with this subsection within six (6) months of receiving such a request in writing, then the county officer or department head may forward the request to the State Library and Archives, whereupon the State Librarian and Archivist, or his or her designated representative, shall have authority to authorize the destruction or transfer of the public records instead of the county public records commission. Failure of the State Library and Archives to respond to the records disposal request of the county officer or department head within nine (9) months of receiving such a request shall authorize the county officer or

department head to destroy the original public records which have been reproduced in accordance with any regulations on this subject promulgated by the Secretary of State.

SECTION 2. Tennessee Code Annotated, Section 10-7-413(a) is amended by adding the following after the existing language:

If a county public records commission does not receive a response from the State Library and Archives within nine (9) months of submitting the notice required under this subsection, the county public records commission may proceed with the destruction of the records which were the subject of the notice.

SECTION 3. Tennessee Code Annotated, Section 10-7-401, is amended by deleting from the first sentence the language "composed of six (6) members" and substituting instead the language "composed of at least six (6) members".

SECTION 4. Tennessee Code Annotated, Section 10-7-401, is further amended by inserting the following between the fourth and fifth sentences:

In counties having a duly appointed county archivist, that person shall also serve as an ex officio member of the commission.


SECTION 5. This act shall take effect on July 1, 1999, the public welfare requiring it..

**PASSED: April 9, 1998**

  
JIMMY RAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 23rd day of April 1998**

  
DON SUNDQUIST, GOVERNOR